110TH CONGRESS 1ST SESSION

S. 1997

To require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 3, 2007

Mrs. McCaskill introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Future Accountability
- 5 in Retail Fuel Act" or the "FAIR Fuel Act".
- 6 SEC. 2. AUTOMATIC TEMPERATURE COMPENSATION
- 7 **EQUIPMENT.**
- 8 (a) In General.—
- 9 (1) New motor fuel dispensers.—Begin-
- 10 ning 90 days after the issuance of final regulations

- under subsection (c), all motor fuel dispensers that are newly installed or upgraded at any retail fuel establishment in the United States shall be equipped with automatic temperature compensation equipment to ensure that any volume of gasoline or diesel fuel measured by such dispenser for retail sale is equal to the volume that such quantity of fuel would equal at the time of such sale if the temperature of the fuel was 60 degrees Fahrenheit.
 - (2) Existing motor fuel dispensers.—Not later than 5 years after the issuance of final regulations under subsection (c), all motor fuel dispensers at any retail fuel establishment in the United States shall be equipped with the automatic temperature compensation equipment described in paragraph (1).

 (b) Inspections.—
 - (1) Annual inspection.—Beginning on the date described in subsection (a), State inspectors conducting an initial or annual inspection of motor fuel dispensers are authorized to determine if such dispensers are equipped with the automatic temperature compensation equipment required under subsection (a).
 - (2) NOTIFICATION.—If the State inspector determines that a motor fuel dispenser does not com-

ply with the requirement under subsection (a), the State inspector is authorized to notify the Federal Trade Commission, through an electronic notification system developed by the Commission, of such noncompliance.

(3) FOLLOW-UP INSPECTION.—Not earlier than 180 days after a motor fuel dispenser is found to be out of compliance with the requirement under subsection (a), the Federal Trade Commission shall coordinate a follow-up inspection of such motor fuel dispenser.

(4) Fine.—

- (A) In General.—The owner or operator of any retail fuel establishment with a motor fuel dispenser subject to the requirement under subsection (a) that is determined to be out of compliance with such requirement shall be subject to a fine equal to \$5,000 for each non-compliant motor fuel dispenser.
- (B) ADDITIONAL FINE.—If a motor fuel dispenser is determined to be out of compliance during a follow-up inspection, the owner or operator of the retail fuel establishment at which such motor fuel dispenser is located shall be subject to an additional fine equal to \$5,000.

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1	(5) Use of fines.—Any amounts collected
2	under paragraph (4) shall be deposited into the trust
3	fund established under section 3.
4	(e) Defined Term.—In this Act, the term "auto-
5	matic temperature compensation equipment" has the
6	meaning given the term in the National Institute of Stand-
7	ards and Technology Handbook 44.
8	(d) Rulemaking.—
9	(1) Commencement.—Not later than 90 days
10	after the date of the enactment of this Act, the Fed-
11	eral Trade Commission, in consultation with the Na-
12	tional Institute of Standards and Technology, shall
13	commence a rulemaking procedure to implement the
14	requirement under subsection (a).
15	(2) Final regulations.—Not later than 1
16	year after the date of the enactment of this Act, the
17	Federal Trade Commission shall issue final regula-
18	tions to implement the requirement under subsection
19	(a), including specifying which volume correction
20	factor tables shall be used for the range of gasoline
21	and diesel fuel products that are sold to retail cus-
22	tomers in the United States.
23	SEC. 3. AUTOMATIC TEMPERATURE COMPENSATION
24	EQUIPMENT GRANT PROGRAM.

(a) Establishment of Trust Fund.—

- 1 (1) IN GENERAL.—There is established in the
 2 Treasury of the United States a trust fund to be
 3 known as the "Automatic Temperature Compensa4 tion Equipment Trust Fund" (referred to in this
 5 section as the "Trust Fund").
 - (2) Transfers.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury an amount equal to the amount collected as fines under section 2(b)(4).
 - (3) INVESTMENT.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States.

(b) Grants Authorized.—

- (1) In General.—The Secretary of Commerce is authorized to use amounts in the Trust Fund for grants to owners and operators of retail fuel establishments to offset the costs associated with the installation of automatic temperature compensation equipment on motor fuel dispensers.
- (2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this subsection in excess of—
- 25 (A) \$1,000 per motor fuel dispenser; or

1	(B) \$10,000 per grant recipient.
2	(3) Ineligible companies.—A major inte-
3	grated oil company (as defined in section 167(h)(5)
4	of the Internal Revenue Code of 1986) is ineligible
5	to receive a grant under this subsection.
6	(4) Use of grant funds.—Grant funds re-
7	ceived under this subsection may be used to offset
8	the costs incurred by owners and operators of retail
9	establishments to acquire and install automatic tem-
10	perature compensation equipment in accordance with
11	the requirement under section 2(a).
12	(5) Authorization of appropriations.—
13	There are authorized to be appropriated such sums
14	as may be necessary to carry out this subsection.
15	(c) Reimbursement of State Inspection
16	Costs.—The Secretary of Commerce is authorized to use
17	amounts in the Trust Fund to reimburse States for the
18	costs incurred by the States to—
19	(1) inspect motor fuel dispensers for compliance
20	with the requirement under section 2(a); and
21	(2) notify the Secretary of Commerce of any
22	noncompliance with such requirement.
23	SEC. 4. SAVINGS PROVISION.
24	(a) In General.—Nothing in this Act may be con-
25	strued to preempt a State from enacting a law that im-

- 1 poses an equivalent standard or a more stringent standard
- 2 concerning the retail sale of gasoline at certain tempera-
- 3 tures.
- 4 (b) Defined Term.—In this section, the term
- 5 "equivalent standard" means any standard that prohibits
- 6 the retail sale of gasoline with energy content per gallon
- 7 that is different than the energy content of 1 gallon of
- 8 gasoline stored at 60 degrees Fahrenheit.

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